

Daniel M. Hattis (SBN 232141)
Paul Karl Lukacs (SBN 197007)
HATTIS & LUKACS
400 108th Ave NE, Ste 500
Bellevue, WA 98004
Telephone: (425) 233-8650
Facsimile: (425) 412-7171
Email: dan@hattislaw.com
Email: pkl@hattislaw.com

Attorneys for Plaintiffs and the Proposed Classes

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS MALONE,
CHRIS AYERS,
JAMES BACKUS,
DAVID EATON,
STEVEN GRAVEL, and
TOD WEITZEL,
for Themselves, as Private Attorneys
General, and/or On Behalf Of All
Others Similarly Situated,

Plaintiffs,

v.

WESTERN DIGITAL CORPORATION,
Defendant.

Case No. 5:20-cv-03584-NC

**JOINT ADMINISTRATIVE MOTION
TO CONSIDER WHETHER CASES
SHOULD BE RELATED**

[N.D. Cal. Civ. L.R. 3-12, 7-11]

Pursuant to Civil Local Rules 3-12 and 7-11, the parties jointly move this Court to consider whether the newly-filed action, *Raaymakers v. Western Digital Corporation*, Case No. 5:20-cv-04091-SVK (“*Raaymakers* Action” filed Jun. 19, 2020), is related to the present action.

Local Rule 3-12(a) defines actions as related to one another when:

- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

1 The *Raaymakers* Action should be related to the above-captioned action because the
 2 two cases concern the same defendant, Western Digital Corporation; and, the actions concern
 3 the same challenged acts and statements concerning Western Digital Corporation's WD Red
 4 NAS hard drives containing SMR technology.

5 Additionally, it is likely there will be an unduly burdensome duplication of labor and
 6 expense and the potential for conflicting results if the cases are conducted before different
 7 Judges because, presumably, the same discovery will be sought in both cases and both cases
 8 challenge the same acts and statements and seek substantially the same remedies.

9 Accordingly, the parties respectfully request that the Court grant this joint motion; hold
 10 that *Raaymakers v. Western Digital Corporation*, Case No. 5:20-cv-04091-SVK, is related to
 11 the above-captioned action under Civil Local Rule 3-12(a); and order the *Raaymakers* Action
 12 to be reassigned to this Court's calendar under Civil Local Rule 3-12(f).

13 A copy of this motion is being lodged and served pursuant to Civil Local Rules 3-12
 14 and 7-11 in the *Raaymakers* Action.

15 Dated: June 25, 2020

Respectfully submitted,

16 HATTIS & LUKACS

17 By: /s/ Daniel M. Hattis

18 DANIEL M. HATTIS

19 Attorneys for Plaintiffs

20 NICHOLAS MALONE, et al.

21 Dated: June 25, 2020

Respectfully submitted,

22 WILSON SONSINI GOODRICH & ROSATI
 23 Professional Corporation

24 By: /s/ Keith E. Eggleton

25 KEITH E. EGGLETON

26 Attorneys for Defendant

27 WESTERN DIGITAL CORPORATION
 28

Attestation Pursuant to Civil Local Rule 5-1(i)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from each of the other Signatories.

/s/ Daniel M. Hattis

Daniel M. Hattis

[PROPOSED] ORDER

Pursuant to the parties' joint Motion, **IT IS SO ORDERED.**

Dated: _____

Hon. Nathanael Cousins
U.S. MAGISTRATE JUDGE